

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36263

CITY AND COUNTY OF DENVER—
PETITION FOR DECLARATORY ORDER

Decided: February 1, 2019

On December 21, 2018, the City and County of Denver, Colo. (the City) filed with the Board and served on counsel for Denver Rock Island Railroad Company (DRIR) a petition for declaratory order. The City seeks an order holding that: (1) the City's proposed reconfiguration of track on its National Western Center campus is a relocation rather than an extension of a line or an additional railroad line; (2) the incidental abandonment of track following relocation will not require separate approval or exemption; and (3) the Board's prior approval of the relocation is not required because the Board has no jurisdiction over the proposed relocation. (Pet. 1.) Pursuant to 49 C.F.R. § 1104.13(a), replies to the City's petition were due by January 10, 2019.

Due to the partial shutdown of the Federal government from December 22, 2018, through January 25, 2019, all deadlines requiring the submission of material to the Board, including the deadlines in this proceeding, were tolled. During the shutdown, DRIR submitted an unopposed request to extend the deadline for replies to January 28, 2019. This request will be denied as moot. Replies to the City's petition are due by February 4, 2019. Filings Submitted or Due to Be Submitted During the Partial Fed. Gov't Shutdown, EP 751 (STB served Jan. 28, 2019).

It is ordered:

1. Replies to the petition for declaratory order are due by February 4, 2019.
2. DRIR's request to extend the deadline for replies to January 28, 2019, is denied as moot.
3. This decision is effective on its service date.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.